

AN ACT

relating to release of an area from a municipality's extraterritorial jurisdiction by petition or election.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 42, Local Government Code, is amended by adding Subchapters D and E to read as follows:

SUBCHAPTER D. RELEASE OF AREA BY PETITION OF LANDOWNER OR RESIDENT FROM EXTRATERRITORIAL JURISDICTION

Sec. 42.101. APPLICABILITY. This subchapter does not apply to an area located:

(1) within five miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted;

(2) in an area that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county:

(A) in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020; and

(B) that has a population greater than 240,000;

(3) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million that is:

(A) within 15 miles of the boundary of a military base, as defined by Section 43.0117, at which an active training

1 program is conducted; and

2 (B) in a county with a population of more than two
3 million;

4 (4) in an area designated as an industrial district
5 under Section 42.044; or

6 (5) in an area subject to a strategic partnership
7 agreement entered into under Section 43.0751.

8 Sec. 42.102. AUTHORITY TO FILE PETITION FOR RELEASE. (a) A
9 resident of an area in a municipality's extraterritorial
10 jurisdiction may file a petition with the municipality in
11 accordance with this subchapter for the area to be released from the
12 extraterritorial jurisdiction.

13 (b) The owner or owners of the majority in value of an area
14 consisting of one or more parcels of land in a municipality's
15 extraterritorial jurisdiction may file a petition with the
16 municipality in accordance with this subchapter for the area to be
17 released from the extraterritorial jurisdiction.

18 Sec. 42.103. APPLICABILITY OF OTHER LAW. Chapter 277,
19 Election Code, applies to a petition requesting removal under this
20 subchapter.

21 Sec. 42.104. PETITION REQUIREMENTS. (a) A petition
22 requesting release under this subchapter must be signed by:

23 (1) more than 50 percent of the registered voters of
24 the area described by the petition as of the date of the preceding
25 uniform election date; or

26 (2) a majority in value of the holders of title of land
27 in the area described by the petition, as indicated by the tax rolls

1 of the applicable central appraisal district.

2 (b) A person filing a petition under this subchapter must
3 satisfy the signature requirement described by Subsection (a) not
4 later than the 180th day after the date the first signature for the
5 petition is obtained.

6 (c) A signature collected under this section must be in
7 writing.

8 (d) The petition must include a map of the land to be
9 released and describe the boundaries of the land to be released by:

10 (1) metes and bounds; or

11 (2) lot and block number, if there is a recorded map or
12 plat.

13 Sec. 42.105. RESULTS OF PETITION. (a) A petition
14 requesting removal under this subchapter shall be verified by the
15 municipal secretary or other person responsible for verifying
16 signatures.

17 (b) The municipality shall notify the residents and
18 landowners of the area described by the petition of the results of
19 the petition. The municipality may satisfy this requirement by
20 notifying the person who filed the petition under Section 42.102.

21 (c) If a resident or landowner obtains the number of
22 signatures on the petition required under Section 42.104 to release
23 the area from the municipality's extraterritorial jurisdiction,
24 the municipality shall immediately release the area from the
25 municipality's extraterritorial jurisdiction.

26 (d) If a municipality fails to take action to release the
27 area under Subsection (c) by the later of the 45th day after the

1 date the municipality receives the petition or the next meeting of
2 the municipality's governing body that occurs after the 30th day
3 after the date the municipality receives the petition, the area is
4 released by operation of law.

5 (e) Notwithstanding any other law, an area released from a
6 municipality's extraterritorial jurisdiction under this section
7 may not be included in the extraterritorial jurisdiction or the
8 corporate boundaries of a municipality, unless the owner or owners
9 of the area subsequently request that the area be included in the
10 municipality's extraterritorial jurisdiction or corporate
11 boundaries.

12 SUBCHAPTER E. RELEASE OF AREA BY ELECTION FROM EXTRATERRITORIAL
13 JURISDICTION

14 Sec. 42.151. APPLICABILITY. This subchapter does not apply
15 to an area located:

16 (1) within five miles of the boundary of a military
17 base, as defined by Section 43.0117, at which an active training
18 program is conducted;

19 (2) in an area that was voluntarily annexed into the
20 extraterritorial jurisdiction that is located in a county:

21 (A) in which the population grew by more than 50
22 percent from the previous federal decennial census in the federal
23 decennial census conducted in 2020; and

24 (B) that has a population greater than 240,000;

25 (3) within the portion of the extraterritorial
26 jurisdiction of a municipality with a population of more than 1.4
27 million that is:

1 (A) within 15 miles of the boundary of a military
2 base, as defined by Section 43.0117, at which an active training
3 program is conducted; and

4 (B) in a county with a population of more than two
5 million;

6 (4) in an area designated as an industrial district
7 under Section 42.044; or

8 (5) in an area subject to a strategic partnership
9 agreement entered into under Section 43.0751.

10 Sec. 42.152. AUTHORITY TO REQUEST ELECTION FOR RELEASE.

11 (a) A resident of an area in a municipality's extraterritorial
12 jurisdiction may request the municipality to hold an election in
13 accordance with this subchapter to vote on the question of whether
14 to release the area from the municipality's extraterritorial
15 jurisdiction by filing with the municipality a petition that
16 includes the signatures of at least five percent of the registered
17 voters residing in the area as of the date of the preceding uniform
18 election date.

19 (b) A resident may not request another election on the
20 question of releasing the same or substantially same area from the
21 municipality's extraterritorial jurisdiction before the second
22 anniversary of the date the municipality receives a petition filed
23 under Subsection (a).

24 (c) The petition must include a map of the land to be
25 released and describe the boundaries of the land to be released by:

26 (1) metes and bounds; or

27 (2) lot and block number, if there is a recorded map or

1 plat.

2 Sec. 42.153. ELECTION. (a) Except as provided by Section
3 42.156, a municipality shall order an election on the question of
4 whether to release an area from the municipality's extraterritorial
5 jurisdiction to be held on the first uniform election date that
6 falls on or after the 90th day after the date the municipality
7 receives a petition that complies with Section 42.152.

8 (b) The municipality shall hold the election ordered under
9 this section in the area described by the petition at which the
10 qualified voters of the area described by the petition may vote on
11 the question of the release.

12 (c) An election ordered under this section must be held in
13 the same manner as general elections of the municipality. The
14 municipality shall pay for the costs of holding the election.

15 Sec. 42.154. RESULTS OF ELECTION. (a) The governing body
16 of a municipality shall canvass the election returns for an
17 election held under this subchapter in accordance with Chapter 67,
18 Election Code.

19 (b) Not later than 48 hours after the canvass of an election
20 held under this subchapter, the municipality shall notify the
21 residents of the area proposed to be released from the
22 municipality's extraterritorial jurisdiction of the results of the
23 election. The municipality may satisfy this requirement by
24 notifying the person who filed the petition under Section 42.152.

25 Sec. 42.155. RELEASE OF AREA AS RESULT OF ELECTION. (a) If
26 at the election held under this subchapter a majority of qualified
27 voters of the area to be released approve the proposed release, the

1 municipality shall immediately release the area from the
2 municipality's extraterritorial jurisdiction.

3 (b) If the municipality fails to take action to release the
4 area under Subsection (a) by the later of the next meeting of the
5 municipality's governing body or the 15th day after the canvass
6 date for the election, the area is released by operation of law.

7 (c) Notwithstanding any other law, an area released from a
8 municipality's extraterritorial jurisdiction under this section
9 may not be included in the extraterritorial jurisdiction or the
10 corporate boundaries of a municipality, unless the owner or owners
11 of the area subsequently request that the area be included in the
12 municipality's extraterritorial jurisdiction or corporate
13 boundaries.

14 Sec. 42.156. VOLUNTARY RELEASE. Instead of holding an
15 election under Section 42.153, the municipality may voluntarily
16 release the area for which the election is to be held from the
17 municipality's extraterritorial jurisdiction before the date on
18 which the election would have been held under Section 42.153(a).

19 SECTION 2. Section 42.021, Local Government Code, is
20 amended by adding Subsection (e) to read as follows:

21 (e) An annexation commenced after January 1, 2023, does not
22 expand the extraterritorial jurisdiction of a municipality unless
23 contemporaneously with the annexation the owner or owners of the
24 area that would be included in the municipality's extraterritorial
25 jurisdiction as a result of the annexation request that the area be
26 included in the municipality's extraterritorial jurisdiction.

27 SECTION 3. Section 242.001, Local Government Code, is

1 amended by adding Subsection (j) to read as follows:

2 (j) If an area subject to an agreement under Subsection (c)
3 is removed from a municipality's extraterritorial jurisdiction,
4 the agreement is terminated as to the area and the county is the
5 political subdivision authorized to regulate subdivisions in the
6 removed area.

7 SECTION 4. A municipality shall release extraterritorial
8 jurisdiction acquired from an annexation commenced after January 1,
9 2023, as necessary to comply with Section [42.021\(e\)](#), Local
10 Government Code, as added by this Act.

11 SECTION 5. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2038 passed the Senate on April 27, 2023, by the following vote: Yeas 20, Nays 11; and that the Senate concurred in House amendments on May 8, 2023, by the following vote: Yeas 20, Nays 11.

Secretary of the Senate

I hereby certify that S.B. No. 2038 passed the House, with amendments, on May 3, 2023, by the following vote: Yeas 127, Nays 18, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor